

REMARKS

Claim Rejections Under 35 USC §112, Second Paragraph

Claims 16-20 and 88 stand rejected in the Office action under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 16, the Office cites the terms "comprising" and "use of primer set" as respectively being vague and indefinite, and confusing.

In response, independent claim 16 has been amended to recite "a first and second primer, wherein said first primer is SEQ ID NO: 1." Dependent claims 17-20 and 88 depend from claim 16 and are thus similarly amended.

With respect to claim 88, the Office cites the claim as being vague and indefinite due to recitation of the phrase "wherein second primer comprises SEQ ID NO: 2". The Office indicates the rejection would be obviated by amending the claim to "consisting of" type of language.

In response, claim 88 has been amended to recite "a first and second primer, wherein said first primer is SEQ ID NO: 1" and "wherein said second primer is SEQ ID NO: 2."

The rejection of claims 16-20 and 88 under 35 USC 112, second paragraph is therefore believed by the applicants to be overcome.

Claim Rejections Under 35 USC §112, First Paragraph

Claims 16-20 and 88 stand rejected in the Office action under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically the Office states "[i]n the instant disclosure, the applicants have only disclosed the sequences identified as SEQ ID NO: 1 and 2 which are directed to primers utilized in detecting human papillomavirus" and "[n]o other sequences which comprises, or comprising SEQ ID NO: 1 and 2 were disclosed" The Office also states "a written description of the other claimed sequences that comprise SEQ ID NO: 1 and 2 should be disclosed to overcome this rejection."

In response, the applicants respectfully submit the claimed invention is directed to a method of screening a patient for cancer comprising use of SEQ ID NO: 1 and 2 in an amplification reaction. The applicants are not claiming, nor attempting to claim, the sequences amplified by utilization of SEQ ID NO: 1 and 2.

It is therefore believed by the applicants that the rejection of claims 16-20 and 88 under 35 USC 112, first paragraph has been overcome.

Claim Rejections Under 35 USC §102

Claims 16-20 and 88 stand rejected in the Office action under 35 USC 102(b) as being anticipated by Japanese Patent 5,192,220 issued to Kazuhide. The rejection is respectfully traversed.

Amended claims 16-20 and 88 distinguish Kazuhide by at least the limitation "performing an amplification technique on a sample from a biopsy taken from a patient wherein said technique is designed to selectively amplify a first and second molecular marker for breast cancer".

As Kazuhide does not teach the limitation of "performing an amplification technique on a sample from a biopsy taken from a patient wherein said technique is designed to

selectively amplify a first and second molecular marker for breast cancer" recited in claims 16-20 and 88, Kazuhide cannot be said to anticipate claims 16-20 and 88.

It is therefore respectfully believed by the applicants that the rejection of claims 16-20 and 88 under 35 USC 102 has been overcome.

In view of the above Amendments and Remarks, prompt allowance of all pending claims is respectfully requested.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicants' attorney Mark Gilbreth, or agent Mary Gilbreth, at 713/667-1200.

Respectfully submitted,

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